

IN RE: PETITION FOR ZONING VARIANCE
W/S Richmond Avenue, 147' S
of Ashford Road
(8816 Richmond Avenue)
9th Election District
6th Councilmanic District
James M. Burke, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-28-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8816 Richmond Avenue, consists of .154 acres more or less zoned D.R. 5.5 and is improved with a one story single family dwelling which has been Petitioner's residence for the past 30 years. Said property was previously granted a variance on August 15, 1984 in Case No. 85-48-A to enclose an existing porch. Petitioners are now desirous of expanding the existing dwelling by constructing an addition to the rear of the property as depicted in Petitioner's Exhibit 1 to provide additional habitable space for an aging parent. Testimony indicated that due to the unique shape of the lot and the location of improvements thereon, the relief requested is necessary. In support of their request, Petitioner's submitted a letter of approval signed by all adjoining property owners indicating they have no objections to the proposed improvements. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of September, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 20 feet in lieu of the required 30 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen facilities.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/18/90
By [Signature]

AMN:bjs

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY TOWSON, MARYLAND

District 9th Date of Posting 9/14/90
Posted for: Variance
Petitioner: James M. Burke, et ux
Location of property: W/S Richmond Ave., 147' S of Ashford Rd.
8816 Richmond Ave.
Location of Sign: Along Richmond Ave., across 15' front yard
on property of Petitioner
Remarks:
Posted by: [Signature] Date of return: 9/21/90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/17 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15, 1990.

THE JEFFERSONIAN,

S. Zake Orlan
Publisher

P.O. 106278
\$76.45

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 18, 1990



Mr. & Mrs. James M. Burke
8816 Richmond Avenue
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
W/S Richmond Avenue, 147' S of Ashford Road
(8816 Richmond Avenue)
9th Election District - 6th Councilmanic District
James M. Burke, et ux - Petitioners
Case No. 91-28-A

Dear Mr. & Mrs. Burke:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: People's Counsel
File

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/15, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

Publisher

P.O. 106278
\$76.45

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 3410

Date 9/14/90

M9100211

PUBLIC HEARING FEES QTY PRICE
OBO - POSTING SIGNS / ADVERTISING 1 X \$101.45
TOTAL: \$101.45

LAST NAME OF OWNER: BURKE

04404W0007N1CHRC \$101.45
BA C002124P009-14-90
Please make checks payable to Baltimore County/EXT BUSINESS DAY

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-28-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 20.4(a)(55) To PERMIT A REAR YARD SETBACK OF 20 FT. IN LIEU OF THE REQUIRED 30 FT.

IRREGULAR SHAPE OF LOT PREVENTS EXPANSION TO REAR OF HOUSE TO ADD FAMILY ROOM AND BATH ON SAME LEVEL TO PROVIDE ADDITIONAL LIVING SPACE TO ACCOMMODATE AGED PARENT. STRICT COMPLIANCE TO THE B.C.Z.R. WILL RESULT IN PRACTICAL DIFFICULTY DUE TO NARROW END OF LOT. EXISTING LOT, LESSER DIFFICULTY WILL PROVIDE SUBSTANTIAL RELIEF AND STILL MAINTAIN THE SPIRIT OF PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney for Petitioner: (Type or Print Name) _____
Address _____
City and State _____
Attorney's Telephone No. _____
Legal Owner(s): (Type or Print Name) JAMES M. BURKE
Signature James M. Burke
Address MARIA P. BURKE
Signature Maria P. Burke
Address 8816 RICHMOND AVE. 665-5791 (Home)
City and State BALTIMORE, MD. 21234
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
City and State _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day

of Sept, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of Sept, 1990, at 2 o'clock

P.M. FILED 9/14/90 By J.R.H.
E.M.H. ANYTIME OR DAY
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 8-30-90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James M. Burke
8816 Richmond Avenue
Baltimore, Maryland 21234

Re: petition for Zoning Variance
CASE NUMBER: 91-28-A
W/S of Richmond Avenue, 147' S of Ashford Road
8816 Richmond Avenue
9th Election District - 6th Councilmanic
Petitioner(s): James M. Burke, et ux
HEARING: FRIDAY, SEPTEMBER 14, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$ 101.45 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

ZONING DESCRIPTION

Beginning at a point on the West side of Richmond Avenue, 147' south of the center line of Ashford Road which is 50' wide. Being lot #2, Block C, Section 2 in the resubdivision of Harwood Manor as recorded in Baltimore County Plat Book 22, Folio 76 containing approximately .154 acres in lot. Also known as 8816 Richmond Avenue and located in the 9th Election District.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No 2838

Date 6/26/90

H9000459

PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE (IRL) 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: BURKE

0110*****350014 8278F
Please make checks payable to Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 19, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-28-A
W/S of Richmond Avenue, 147' S of Ashford Road
8816 Richmond Avenue
9th Election District - 8th Councilmanic
Petitioner(s): James M. Burke, et ux
HEARING: FRIDAY, SEPTEMBER 14, 1990 at 2:00 p.m.

Variance to permit a rear yard setback of 20 ft. in lieu of the required 30 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Burke

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September



Dennis F. Rasmussen
County Executive

Mr. & Mrs. James M. Burke
8816 Richmond Avenue
Baltimore, MD 21234

RE: Item No. 459, Case No. 91-29-A
Petitioner: James M. Burke, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Burke:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
18th day of July, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: James M. Burke, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: July 19, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: James F. Seal, Item No. 1
James R. Gernhart, Jr., Item No. 3
William A. Jenkins, et al, Item No. 5
Richard M. Post, Item No. 7
Robert Lee Rodowski, Item No. 8
Seven Courts Development Partnership, et al, Item No. 9
Roger Scott Weinberg, Item No. 10
George MacDonald, Item No. 14
Olwyn Diamond, Item No. 419
Philip Diamond, Item No. 420
Mark K. Harvey, Item No. 439
Michael John Ready, Item No. 440
David Seymour Allen, Item No. 441
Robert Frank Bolling, Item No. 442
Nicholas Stamatacos/Angelina Stamatacos, Item No. 444
Stephen B. Leese, Sr., Item No. 445
Harry R. Kleinhen, Item No. 447
Alpha J. Davis, Jr. Item No. 448
Judith L. Early, Item No. 455
David Shlmony, Item No. 456
Kirk Riggs, Item No. 457
James Paskert, Item No. 458
James M. Burke, Item No. 459
John A. Meyers, Item No. 465

In reference to the above-mentioned cases, staff offers no comments.

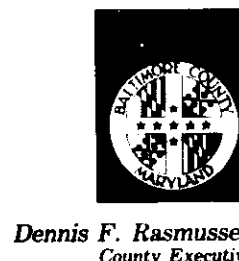
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

24

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 17, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 458, 459, 460, 461, 462, and 465.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

RECEIVED
JUL 24 1990

ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reineke
Chief

JULY 5, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JAMES M. BURKE
Location: #8816 RICHMOND AVENUE
Item No.: 459 Zoning Agenda: JULY 17, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Michael S. Flanigan* 7-10-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE JULY 11, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES (C & P)

SUBJECT: ZONING ITEM #: 459
PROPERTY OWNER: James M. Burke, et ux
LOCATION: W/S of Richmond Ave., 147' S of Ashford Rd
(#8816 Richmond Avenue)
ELECTION DISTRICT: 9th
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

☑ A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

☑ OTHER - PORCH SHALL SUPPORT A 65# Live Load

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 13, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 17, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 458, 459, 461, 463 and 465.

For Items 460 and 462, County Review Group Meetings are required.

RWB:s

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

Plat to accompany Petition for Zoning Variance
 PROPERTY ADDRESS: 8816 RICHMOND AVE BALTIMORE, MD 21234
 OWNER: JAMES M. & MARIA P. BURKE
 LOT 2 BLOCK C SECTION RESUBDIVISION OF HARWOOD MANOR PLAT BOOK 22 FOLIO 76

91-28-A

LOCATION INFORMATION
 Councilmanic District: 6
 Election District: 9
 Zoning: D.R.5.5
 Lot size: 14,770 S.F.
 Public Sewer: ☒ Private: ☐
 Water: ☒ Gas: ☐
 Bay-Critical Area: ☐
 Prior Zoning Hearings: COVERED SIDE PORCH: CASE 85-40-A (8-15-84)
 Zoning Office USE ONLY! #459

SCALE: 1" = 30'

ONING 91-28-A

SCALE: 1" = 200'

DATE OF PHOTOGRAPHY: _____

LOCATION: CARNEY

459

June 21, 1990

Zoning Commission - Baltimore County **91-28-A**

Dear Sir:

Mr. & Mrs. James M. Burke, residing at 8816 Richmond Avenue, Baltimore County are seeking relief from existing zoning restrictions so that they can add a family room to the rear of their dwelling. Current zoning requires a 30-foot setback; they are asking for a zoning variance to allow a 20 foot set-back due to the triangular shape of their property. The Burkes have made us aware of their proposed project and have asked our approval. The changes requested by Mr. & Mrs. Burke are acceptable to me as an adjacent property owner. Therefore, I have no objection to the county granting the variance which they have requested.

Name	Address	Signature
Edward Dutsch	2420 HARWOOD RD 21234	
John S. Dufford	8825 HARWOOD RD 21234	
James M. Burke	8816 Richmond Ave 21234	

PETITIONER'S EXHIBIT 2

My Commission Expires Oct. 1, 1992
Rita A. Gambrell

PETITIONER'S EXHIBIT #

IN RE: PETITION ZONING VARIANCES *
 W/S of Richmond Avenue, 147' *
 S of the centerline of Ash- *
 ford Avenue (8816 Richmond *
 Avenue) - 9th Election *
 District *
 James M. Burke, et ux, *
 Petitioners *
 * * * * *

BEFORE THE *
 ZONING COMMISSIONER *
 OF BALTIMORE COUNTY *
 Case No. 85-40-A *
 * * * * * *Item 459 (1990)* *
 * * * * * **FOR CASE # 91-28-A** *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side yard setback of three feet instead of the required eight feet, a sum of the side yard setbacks of 13 feet instead of the required 20 feet, and a rear yard setback of 20 feet instead of the required 30 feet in order to enclose an existing porch, as more fully described on Petitioners' Exhibit 1.

The Petitioners appeared and testified. Appearing for the Petitioners was Richard Tice, their contractor. There were no Protestants.

Testimony indicated that the property, zoned D.R.5.5, is irregularly shaped, i.e., 61' x 105' x 63' x 69'. A 18' x 26' porch presently exists 3 feet from the south property line. This porch will be enclosed with glass in order to provide insulation from street noises and inclement weather. It will not be heated nor will it be used for living quarters. A porch cannot be constructed in the rear of the house because there is no entrance to the rear where the bedrooms are located. The existing porch will require only two sides being enclosed, as shown on Petitioners' Exhibit 3.

The Petitioners seek relief from Section 1802.3.B (211.3 and 211.4), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.